

Shutesbury Conservation Commission

Minutes – 12/30/22

Approved – (3/9/23)

Virtual Meeting

Meeting Start: 3:00 pm

Commissioners Present: Miriam DeFant, Mary David, Robin Harrington

Commissioners Absent: Scott Kahan, Beth Willson

Chair's Call to Order at 3:00 p.m.

Meeting is being recorded

Lot R-15 Conservation Area Acquisition: Closing needs to happen by January 27, 2023. Town Counsel is reviewing closing documents. CR review in progress by EEA/DCS. It was submitted in September. SCC approved a draft CR in June, 2022. Kestrel will conduct a Baseline Survey, has not been completed yet. Select Board is to approve a grant agreement with the state for the Forest Legacy Program funds. Kestrel purchased the property and is selling it to the Town. Purchase includes \$45,000 of CPA funds and \$20,000 from Conservation Trust Fund. DeFant believes the Conservation Commission would have to contribute an extra \$5,000 for the parking lot development if the CPA funds for the parking area are not available for some reason. The total purchase price is \$265,000. Remainder of costs paid by the Forest Legacy Program and Kestrel.

Town Counsel is advising that CPA funds may not be able to be released at time of closing if CR language is not approved yet by the state. She advised SCC to authorize measures to allow for closing to proceed as planned, possibly with using Conservation Trust Funds and then getting reimbursed by the CPC. This issue requires further clarification, but Chair asks SCC to authorize whatever steps are needed to arrange for closing. Need a contingency plan in case the CPA funds are delayed because of the CR delays. There is currently about \$87,000 in the Conservation Trust Fund. Forest Legacy funds are to be transferred to the Town in order to pay Kestrel for the land.

Town Counsel has advised that the May 2022 Annual Town Meeting vote for the CPA funds was insufficient to authorize the purchase of the property and the awarding of the CR to Kestrel, although other legal guidance from a Legal Advisory from the Land Trust Coalition and the state indicates that a 2nd vote is not needed (because the original 2022 warrant article authorizing funds for an implied purchase and the property must be held in CR due to the CPA regulations). A Special Town Meeting is to be held in January with 2 warrant articles to address the purchase and the CR.

SCC already approved the use of Conservation Trust Funds for this acquisition when it approved the CPA application, but Chair suggests it be reaffirmed with another vote. Chair screenshares draft motion language. Trail development will require additional funds and footbridges to cross wetlands. SCC may want to look for other grants to fund trail development and signage.

David moves that the SCC approve naming the Lot R-15 conservation property *West Quabbin Woodlands Conservation Area*. Second: Harrington. David: aye; DeFant: aye; Harrington: aye. So moved.

David moves that the SCC authorize the use of up to \$25,000 from the Conservation Trust Fund for the acquisition of Lot R-15 as conservation land, \$20,000 of which for the purchase and possibly \$5,000 for the development of a parking area and trails if necessary. Second: Harrington. David: aye; DeFant: aye; Harrington: aye. So moved.

David moves that the SCC authorize the use of up to an additional \$45,000 of the Conservation Trust Fund for the purchase of Lot R-15, on the condition that such amount shall be reimbursed by CPA Fund upon the recording of a Conservation Restriction for the property. Second: Harrington. David: aye; DeFant: aye; Harrington: aye. So moved.

Select Board is to sign the Purchase and Sale Agreement, but there may be other documents that the SCC needs to sign. Chair seeks authorization to proceed as needed.

David moves that the SCC Motion authorize Miriam DeFant to act as project manager on behalf of the Conservation Commission for the Lot R-15 property acquisition and to take any actions relative thereto, including acting as a signatory for any necessary documents. Second: Harrington. David: aye; DeFant: aye; Harrington: aye. So moved.

David: is it clear that the property is to be managed by the SCC? DeFant: deed and warrant article will include language as does CR language.

Unanticipated Business: Select Board is seeking input on possible focus areas for an MVP grant application. ECAC is also making recommendations. Letter of intent deadline is coming up. SB is meeting on 1/10/23. In 2022, SCC supported a town application for unpaved road engineering proposal.

BOH considering hiring a contractor to advise on beaver management issues at the Lakeview Road/Fiske Brook culvert. SCC discussed making recommendations to BOH/SB. SCC agrees they would like a site visit with a consultant to look at options. Will table for further discussion.

David: residents down at lake are being advised by Town and LWA to repair the dirt roads (roads are owned by Lake Wyola Association) in front of their houses by themselves without any funding; residents lack the knowledge to do it correctly. DeFant: many dirt roads have steep section with wetlands with erosion/runoff problems. David: many repairs are crisis-driven. Top areas of priority for future grant-funded projects include dam repairs, dam removal (Montague Road-privately owned), and culvert assessments. assessment/replacements. **David moves that Chair recommend to Select Board that it explores grant funding for dam-related issues, stormwater management, and town-wide technical culvert assessment. Second: Harrington. David: aye; DeFant: aye; Harrington: aye. So moved.**

David moves to adjourn. Second: DeFant. David: aye; DeFant: aye; Harrington: aye. So moved DeFant seconds.

Meeting adjourned at 3:46 p.m.

Next Meeting: Thursday, January 12, 2023, 7:00 p.m.

Documents Used:

--Agenda

--Draft motion language

Respectfully submitted by Miriam DeFant, Commissioner, 1/17/23